

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SANDRA MICHALSKY, et al.,

Plaintiffs,

Case No. 22-cv-12762
Hon. Matthew F. Leitman

v.

BIOMET, INC., et al.,

Defendants.

/

**ORDER CONCERNING BRIEFING ON PENDING
MOTIONS (ECF Nos. 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56)**

Now pending before the Court are: (1) Plaintiffs' Motion to Exclude Specific, Undisclosed Expert Opinion Testimony From Defendants' Experts (ECF No. 46); (2) Plaintiffs' Motion to Exclude Testimony and Opinions of Defendants' Expert John Fryzek (ECF No. 47); (3) Plaintiffs' Motion to Exclude Testimony of Dr. Joyce Tsuji (ECF No. 48); (4) Defendants' Motion to Exclude Testimony of Francis H. Gannon, M.D. (ECF No. 49); (5) Defendants' Motion to Exclude Testimony of David Scott, M.D. (ECF No. 50); (6) Defendants' Motion to Exclude Testimony of Mari Truman (ECF No. 51); Defendants' Motion to Exclude Testimony of Stephen Graves, M.D. (ECF No. 52); Defendants' Motion to Exclude Testimony of Michael Aschner, PH.d (ECF No. 53); Plaintiffs' Motion to Exclude Testimony by Defendants' Expert Hollace Rhodes (ECF No. 54); Plaintiffs' Motion for Partial

Summary Judgment (ECF No. 55); and Defendants' Motion for Summary Judgement (ECF No. 56).

On July 17, 2024, the Court held a status conference on the record with counsel to discuss the most sensible path forward. For the reasons stated on the record during that conference, **IT IS HEREBY ORDERED** that all briefing on all pending motions is **STAYED** except as follows. PlaintiffS shall file a response to Defendants' pending motion for summary judgement (ECF No. 56) limited to the statute of limitations arguments raised by Defendants. Defendants shall file a reply limited to the statute of limitations arguments raised in Plaintiffs' response. All briefing must be filed in accordance with the time frames set forth in the Court's Local Rules.

If the Court's ruling on the statute of limitations arguments raised in Defendants' summary judgment motion does not fully resolve the case, then after issuing its ruling, the Court will convene a status conference with counsel to discuss a schedule for the completion of briefing on the remaining motions (and the remaining portions of Defendants' summary judgment motion).

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: July 17, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 17, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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